

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Tribal Welfare- Khammam District- Revision Petition filed by Sri Bandaru Nagaiah R/O Komatlagudem (v) Yellandu (Tq) of Khammam District under Sec 6 of APSALTR 1959 against the Orders of the Agent to Government in C.M.A No:32/76 dated: 18-05-1976 - Dismissed-Orders-Issued.

SOCIAL WELFARE (LTR) DEPARMENT

G.O.Ms.No: 146

Dated:19-07-2008
Read the following

1. From Sri Y.Bhaskara Rao and G.Venugopala Rao Counsel for the petitioner, Revision Petition dated:2-07-1977.
2. Government Memo No:2399/F2/77-1 Dated:11-07-1977.
3. From Collector, Khammam District C1(M)1760/77 Dated:16-08-1977.
4. Government Memo No: 2399/F2/77 dt: 26-9-77,10-9-93,28-2-94,13-6-94, 15-10-94, 30-6-95,4-10-95,10-5-96,
5. From Collector, Khammam District Rc.No:C1(M)/CMA-32/76 Dated: 07-07-1996.
6. Government Memo No: 2399/LTR2/1977 Dated: 17-07-2007, 03-08-2007.

ORDER:

In the reference first read above Sri Bandaru Nagaiah has filed a Revision Petition before the Government against the Orders of Additional Agent to Government in C.M.A No:32/76 dated:18-05-1976 in respect of lands situated in Sy.No:274 to an extent of Acres 1.00 at Komatlagudem (v) Yellandu (Tq) of Khammam District . The main grounds of the Revision Petition among others are:

1. The non-tribal revision petitioner Bandaru Nagaiah purchased the disputed land measuring 1.00 acre in Sy.No:274 through the deed dated:22-12-1961 executed on stamp paper for valid consideration of Rs.2000/- from the tribal Arem Agaiah (Respondent in Revision Petition) . From the date of purchase he is in possession and enjoyment as owner by paying land revenue.
2. The transfer took place prior to commencement of Regulation1 of 1959.
2. The brief history of the case is that the Petitioner purchased the land measuring 1.00 acre bearing Survey No:274 through the sale deed dated: -12-1961. The sale deed produced by the petitioner is not a registered one. The A.P (Telangana Area) Tenancy and Agricultural Lands Act 1950 was in force then and the petitioner did not obtain permission to purchase the land under Section 47 of the Act. He did not get the sale transaction validated even later under Sec 50-B of the same Act. All the pahani patrika of 1960-61 to 1965-66 speak the possession of the respondent No:3 (A.Agaiah) during the years. The unregistered sale deed and land revenue receipts which are not genuine can not be given any consideration. Petitioner obtained possession of the land after the enforcement of the Regulation I of 1959 i.e after 1-12-1963. After hearing both the parties, the Special Deputy Collector (T.W) Palawancha Khammam District had passed the ejectment orders in case No:789/75 dated:23-01-1975 (i.e true copy dated: 15-3-1976) and directed that the respondent (B.Nagaiah) or whoever is in possession shall be ejected from the Schedule land and it shall be restored to the tribal pattedar and his legal heirs.
3. Aggrieved by the orders of Special Deputy Collector(T.W) Palawoncha, Sri Bandaru Nagaiah had filed appeal before the Agent to Government , Khammam District on 03-05-1976. The Agent to Government upheld the orders of the Special Deputy Collector (TW) Palawancha and dismissed the appeal on 18-05-1976 in CMA No:32/76. Subsequently the petitioner filed W.P No:2974/76 on 16-09-76 before the Hon'ble High Court. The Hon'ble High Court while disposing the W.P by its order dated: 08-06-1977 directed the petitioner to approach the Government. Hence the petitioner filed this Revision Petition before the Government.

4. In the reference 2nd read above the Collector, Khammam was requested to furnish the remarks and records and the same were furnished through the reference 3rd and 5th read above. After careful examination of the parawise remarks and case records, notices were issued to the concerned to attend the hearing of the Revision Petition on 24-07-2007 and were finally heard on 16-08-2007. Both petitioners and his counsel were absent.

5. Government after careful examination of the material evidence on record found that:

1. As per pahanies from 1960-61 to 1965-66, tribal respondent i.e Arem Agaiah was in possession i.e after Regulation 1/59 came into force in Telangana Areas w.e.f 1-12-1963.
2. The stamp paper was purchased by the petitioner in the name of the tribal Arem Agaiah with ante-date and he also deposed before the lower court i.e SDC (TW) Khammam that the sale deed was with him all the while. If it was got executed as long back as in 1961, it would have been handed over to non-tribals daughter in whose name the land was purchased. Hence, it speaks to the later execution. Further , according to Section 17 B of Registration Act , unregistered sale deed is not valid as held by the Hon'ble High Court of A.P on CRP No:1087/96, dated:10-08-1998 in Bangaru Rama Thulisamma Vs Yada Masthan Reddy.
3. Even if the land was purchased on 22-12-1961, the non-tribal petitioner did not obtain permission as required under Sec 47 of A.P (Telangana Area)Tenancy and Agricultural Lands Act, 1950 and also failed to get the transaction validated even later under Section 50-B of the same Act.
4. LR receipts were issued on slips of paper with same ink for 1961-62, 1962-63, 1963-64, 1966-67 and 1967-68 and for 1965-66 and 1969-70 on the same paper in the name of non-tribal respondent i.e Bandaru Nagaiah but not in the name of his daughter Damayanthi in whose name land was said to be sold.
5. Hence the transaction was subsequent to 1963.

6. Government after careful examination of the case records finds no reason to interfere with the Orders of the Lower Courts and uphold the orders of the Agent to Government Khammam in CMA No:32/76 dated:18-05-1976 and the Revision Petition is dismissed accordingly.

7. The Collector, Khammam /Project Officer, ITDA Bhadrachalam are requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**V.NAGI REDDY,
PRL.SECRETARY TO GOVERNMENT**

To

The Collector, Khammam District.

(With RPAD for the following records)

Agent to Government in CMA No: 32/76 containing 38 pages

LTR case file No: 789/75 containing 4 pages.

Sri Y.Bhaskara Rao, Advocate, 3-4-140, Lingampalli, Hyderabad-27.

Sri Arem Agaiah R/O Komatlagudem

//FORWARDED BY ORDER//

SECTION OFFICER